



The City of New York
Law Department
100 CHURCH STREET
NEW YORK, NY 10007

Hon. Sylvia O. Hinds-Radix
Corporation Counsel

David Choi
Assistant Corporation Counsel
Labor & Employment Law Division
Phone: (212) 356-1941
Email: dchoi@law.nyc.gov
Email Not for Service of Papers

October 18, 2022

BY ECF

Honorable Eric N. Vitaliano
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Bernard McIlwain v. The City of New York, et al.*
1:22-cv-04163 (ENV-RML)
Our No. 2022-058943

Dear Judge Vitaliano,

I am an Assistant Corporation Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, recently assigned to represent defendant New York City Department of Education (“DOE”) in the above-referenced action. Defendant DOE writes to respectfully request, on behalf of all defendants, a 60-day extension of time to respond to the Complaint from October 20, 2022, until December 19, 2022. This is defendants’ first request for an extension of time to respond to the Complaint. Plaintiff has no objection to this request.

Defendant City requires a 60-day extension of time to permit my office to investigate service of the summons and complaint on the individually named defendants Charity Guerra, William Jusino, Karen Watts and Salvatore Mancuso, and to make a determination pursuant to Section 50-k of the New York General Municipal Law as to whether it will represent them. Additional time is also requested to allow the undersigned to conduct an investigation into the facts of the case, including obtaining any underlying documentation that may exist with respect to Plaintiff’s allegations, and to formulate an appropriate response to the complaint.

Accordingly, I respectfully request a 60-day extension of all defendants’ time to respond to the Complaint from October 20, 2022 until December 19, 2022.

Defendant thanks the Court for its consideration of this matter.

Respectfully submitted,

HONORABLE ERIC N. VITALIANO

United States District Judge

Bernard McIlwain v. The City of New York, et al

1:22-cv-04163 (ENV-RML)

October 18, 2022

Page 2

[ECF] /S/

David Choi

Assistant Corporation Counsel